



Department of Energy

Idaho Operations Office
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Idaho Falls, Idaho 83401-1563

March 15, 2002

Mr. Robert E. Bullock, IDEQ Hazardous Waste Permit Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton, 2nd Floor
Boise, ID. 83706-1255

SUBJECT: Response to Request for Information (TS-ETSD-02-039)

Dear Mr. Bullock:

A meeting was held on Wednesday, March 6, 2002, at the E. F. Chandler Office Building in Boise to discuss management of CERCLA wastes at the fully permitted HWMA/RCRA treatment and storage units located at the INEEL RWMC. You requested a letter from DOE describing DOE's position on the definition of "existing inventories" as stipulated in the three HWMA/RCRA permits addressing units located at the RWMC. This letter provides the information requested.

Three separate HWMA/RCRA permits address the fully permitted treatment and storage units located at the RWMC. These permits are:

1. The Final HWMA Storage Permit for the RWMC on the INEEL (EPA ID No. ID4890008952), revised 12/4/2001.
2. The AMWTP HWMA/RCRA Treatment Permit, INEEL, (EPA ID Nos. IDR000002881 and ID4890008952), revised 12/7/2001.
3. The AMWTP HWMA/RCRA Storage Permit, INEEL, (EPA ID No. ID4890008952), revised 2/11/2002.

Each of these permits contains a common definition for the term "existing inventories". This definition states, in part, that existing inventories shall mean all waste received at the RWMC on or prior to September 11, 1991, the submittal date of the RCRA Part B Permit Application for the ILTSF and the WSF.

DOE believes that this definition applies to waste received at the RWMC TSA on or prior to September 11, 1991. In contrast, wastes which had already been disposed of in the SDA prior to 1971 were not encompassed within this definition. Because that disposal took place prior to the enactment of RCRA in 1976, there has never been a requirement to obtain a RCRA permit for those wastes. Instead, the possibility of a release of hazardous substances from those wastes is being addressed by IDEQ, EPA and DOE under the CERCLA statute, as implemented by the 1991 FFA/CO. It would be illogical to classify those wastes as being "stored" or "treated" or otherwise actively managed under the new permits since they had already been disposed of long before. This understanding was clearly part of the factual baseline presumed by both DOE and the State at the time DOE applied for each of the permits and is consistent with the

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